

# NSA spied on its own employees, other U.S. intelligence personnel, journalists, and members of Congress

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NSA spied on its own employees, other U.S. intelligence personnel, and their journalist and congressional contacts. WMR has learned that the National Security Agency (NSA), on the orders of the Bush administration, eavesdropped on the private conversations and e-mail of its own employees, employees of other U.S. intelligence agencies — including the CIA and DIA — and their contacts in the media, Congress, and oversight agencies and offices.

The journalist surveillance program, code named “Firstfruits,” was part of a Director of Central Intelligence (DCI) program that was maintained at least until October 2004 and was authorized by then-DCI Porter Goss. Firstfruits was authorized as part of a DCI “Countering Denial and Deception” program responsible to an entity known as the Foreign Denial and Deception Committee (FDDC). Since the intelligence community’s reorganization, the DCI has been replaced by the Director of National Intelligence headed by John Negroponte and his deputy, former NSA director Gen. Michael Hayden.

Firstfruits was a database that contained both the articles and the transcripts of telephone and other communications of particular Washington journalists known to report on sensitive U.S. intelligence activities, particularly those involving NSA. According to NSA sources, the targeted journalists included author James Bamford, the *New York Times*’ James Risen, the *Washington Post*’s Vernon Loeb, the *New Yorker*’s Seymour Hersh, the *Washington Times*’ Bill Gertz, UPI’s John C. K. Daly, and this editor [Wayne Madsen], who has written about NSA for *The Village Voice*, *CAQ*, *Intelligence Online*, and the Electronic Privacy Information Center (EPIC).

In addition, beginning in 2001 but before the 9-11 attacks, NSA began to target anyone in the U.S. intelligence community who was deemed a “disgruntled employee.” According to NSA sources, this surveillance was a violation of United States Signals Intelligence Directive (USSID) 18 and the Foreign Intelligence Surveillance Act of 1978. The surveillance of U.S. intelligence personnel by other intelligence personnel in the United States and abroad was conducted without any warrants from the Foreign Intelligence Surveillance Court. The targeted U.S. intelligence agency personnel included those who made contact with members of the media, including the journalists targeted by Firstfruits, as well as members of Congress, Inspectors General, and other oversight agencies. Those discovered to have spoken to journalists and oversight personnel were subjected to sudden clearance revocation and termination as “security risks.”

In 2001, the Foreign Intelligence Surveillance Court rejected a number of FISA wiretap

applications from Michael Resnick, the FBI supervisor in charge of counter-terrorism surveillance. The court said that some 75 warrant requests from the FBI were erroneous and that the FBI, under Louis Freeh and Robert Mueller, had misled the court and misused the FISA law on dozens of occasions. In a May 17, 2002 opinion, the presiding FISA Judge, Royce C. Lamberth (a Texan appointed by Ronald Reagan), barred Resnick from ever appearing before the court again. The ruling, released by Lamberth's successor, Judge Colleen Kollar-Kotelly, stated in extremely strong terms, "In virtually every instance, the government's misstatements and omissions in FISA applications and violations of the Court's orders involved information sharing and unauthorized disseminations to criminal investigators and prosecutors . . . How these misrepresentations occurred remains unexplained to the court."

After the Justice Department appealed the FISC decision, the FISA Review court met for the first time in its history. The three-member review court, composed of Ralph Guy of the 6th U.S. Circuit Court of Appeals, Edward Leavy of the 9th Circuit, and Laurence Silberman [of the Robb-Silberman Commission on 911 "intelligence failures"] of the D.C. Circuit, overturned the FISC decision on the Bush administration's wiretap requests.

Based on recent disclosures that the Bush administration has been using the NSA to conduct illegal surveillance of U.S. citizens, it is now becoming apparent what vexed the FISC to the point that it rejected, in an unprecedented manner, numerous wiretap requests and sanctioned Resnick.

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